

REMARKS

Claims 1-5 and 7-11 are pending in this application; claims 1-5, 7, and 8 are currently under consideration. By this Amendment, claims 1, 2, and 9 are amended to further clarify the subject matter being claimed. Support for the amendments to the claims may be found, for example, in Figure 1. Thus, no new matter is added by the above amendments.

In view of the foregoing amendments and the following remarks, reconsideration and allowance are respectfully requested.

Interview Summary

The courtesies extended to Applicants' representative by Examiner Nordmeyer at the interview held February 6, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-4, 7, and 8 under 35 U.S.C. §102(b) as allegedly being anticipated by Chatwin et al. (U.S. Patent No. 5,310,222, hereinafter "Chatwin"); and claims 1-4 under 35 U.S.C. §102(e) as allegedly being anticipated by Ishimoto et al. (U.S. Patent No. 6,818,270, hereinafter "Ishimoto"). Applicants respectfully traverse the rejection, asserting that both Chatwin and Ishimoto fail to disclose all of the elements of claims 1-4, 7, and 8.

As discussed in Applicants' February 6, 2009 personal interview, Applicants submit that both Chatwin and Ishimoto fail to disclose, *inter alia*, the recited counterfeiting prevention label "wherein the volume hologram layer does not cover the entire surface of the base sheet," as recited in claim 1. During the interview, Applicants also pointed out that the

Examiner had not considered the recitation "wherein the volume hologram layer has the shape of a ribbon and extends between a first end of the base sheet and a second end of the base sheet opposite the first end," asserting that the shape of the volume hologram layer should not be given patentable weight "unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention," under MPEP §2144.04. Applicants noted that the cited section of the MPEP merely indicates that the shape will be given patentable weight if Applicants can provide evidence that the shape is "significant" (rather than providing evidence of "significant unforeseen improvements" as the Examiner asserts).

Thus, Applicants discussed the recited volume hologram layer and the functional advantages of the recited ribbon shape. In particular, the present specification teaches that characters are more easily visible when they are in an area that is not coated with the volume hologram layer (*see* paragraph [0036] of the present specification). Therefore, the ribbon shape of the volume hologram layer is preferable so that the text can be read more easily.

The Examiner found the aforementioned functional advantages of the claims persuasive, and suggested amending the claims to further define the hologram structure layer. Thus, Applicants have amended claim 1 to recite "wherein the volume hologram layer does not cover the entire surface of the base sheet" (as shown in Figure 1), which both Chatwin and Ishimoto fail to disclose.

Furthermore, Applicants note the following further functional advantages of the recited counterfeiting prevention label over the teachings of Chatwin and Ishimoto. Because of the ribbon shape of the volume hologram layer and the fact that the volume hologram layer is formed by a transfer process, the severability of the volume hologram layer does not need to be taken into consideration when the volume hologram layer is transferred to the label base sheet. Accordingly, a volume hologram layer having a clear outline can be transferred to the label base sheet. This in turn means that the volume hologram is able to provide high

resistance to forgery and counterfeiting. *See* specification at page 36, lines 1-10.

Furthermore, as a result of the recited design of the self-adhesive layer and release sheet, the release sheet can be easily released from the base sheet by pulling the end portion of the release sheet after the counterfeit prevention label is attached to an article. Neither Chatwin nor Ishimoto disclose or appreciate the aforementioned additional advantages stemming from the recited combination of features.

For at least these reasons, Applicants submit that both Chatwin and Ishimoto fail to disclose each and every element of claims 1-4, 7, and 8, as required for anticipation under 35 U.S.C. §102. Thus, both Chatwin and Ishimoto do not anticipate claims 1-4, 7, and 8. Reconsideration and withdrawal of the rejections are respectfully requested.

Rejection Under 35 U.S.C. §103

The Office Action rejects claim 5 under 35 U.S.C. §103(a) as allegedly being unpatentable over Chatwin. Applicants respectfully traverse the rejection.

For the reasons set forth above, Applicants submit that Chatwin fails to disclose, and likewise fails to render obvious all of the elements of claim 1, from which claim 5 ultimately depends. Furthermore, Applicants submit that one skilled in the art would not have had proper guidance or reasons to arrive at all of the elements of independent claim 1 or claim 5, based on the teachings of Chatwin. Therefore, Applicants submit that Chatwin fails to disclose or to have rendered obvious all of the elements of claim 5.

Chatwin thus would not have rendered obvious all of the elements of claim 5. Reconsideration and withdrawal of the rejection are respectfully requested.

Request for Rejoinder of Withdrawn Claims

In view of the above remarks and the amendments to withdrawn claim 9, Applicants respectfully request rejoinder and allowance of withdrawn claims 9-11.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5 and 7-11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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